

The opinion in support of the decision being
entered today is not binding precedent of the Board.


Paper 

Filed by: Interference Trial Section Merits Panel
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

AMGEN, INC.
(Glen F. Pierce, Regina M. Housley
and Charles F. Morris),
Junior Party
(Patent 5,814,605),

FAXED

MAR 29 2004

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

v.

THE UNITED STATES OF AMERICA,
as Represented by the Secretary of the Department of Health and Human Services
(Jeffrey S. Rubin, Paul W. Finch and Stuart A. Aaronson),
Senior Party
(Application 08/477,983).

Patent Interference No. 105,199

JUDGMENT - RULE 662

Before: SCHAFER, TORCZON and LANE, Administrative Patent Judges.

SCHAFER, Administrative Patent Judge.


Amgen, Inc. has filed a paper requesting entry of an adverse judgment in this interference
under 37 CFR § 1.662(a). Paper 17. Accordingly, it is

ORDERED that judgment on priority as to the subject matter of Count 1 (Paper 1, p. 4), is awarded against the junior party, AMGEN, INC.;

FURTHER ORDERED that junior party, AMGEN, INC., is not entitled to a patent containing claims 1-5 (corresponding to Count 1) of Patent 5,814,605;

FURTHER ORDERED that a copy of this judgment be made of record in the file of Patent 5,814,605; and Application 08/477,983;

FURTHER ORDERED that if there is any settlement agreement which has not been filed, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.


RICHARD E. SCHAFER
Administrative Patent Judge


RICHARD TORCZON
Administrative Patent Judge


SALLY GARDNER LANE
Administrative Patent Judge

BOARD OF PATENT
APPEALS AND
INTERFERENCES

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INTERFERENCE DIGEST

Interference No. 105,199

Paper No. 51

Name: Jeffrey S. Rubin et al.

Serial No.: 08/477,983

Patent No.

Title: DNA encoding a growth factor

Filed: 06/07/95

Interference with Pierce et al.

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, Favorable Dated, 3/29/04

Court, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.